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ENVIR. APPEALS BOARD

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November 5, 2007

BY FEDERAL EXPRESS

Ms. Eurika Durr  
Clerk of the Board  
Environmental Appeals Board (MC 1103B)  
U.S. Environmental Protection Agency  
1341 G Street, NW  
Sixth Floor  
Washington, DC 20005

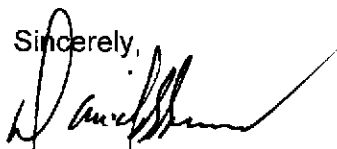
Re: *In re Government of the District of Columbia Municipal Separate Storm Sewer System,*  
NPDES Appeal Nos. 06-07 and 06-08

Dear Ms. Durr:

Please find enclosed for filing the original and five copies of the Response of Petitioner Government of the District of Columbia to EPA Region III's Notice of Withdrawal of Permit Amendment and Motion for Dismissal with Prejudice.

Thank you for your assistance.

Sincerely,



David E. Evans

Enclosures

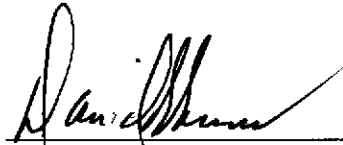
cc: Caroline Burnett, Esquire  
Lori G. Kier, Esquire  
David S. Baron, Esquire  
Jennifer Chavez, Esquire



misunderstanding regarding the effect of the dismissal with prejudice, the District requests that the Board's dismissal order include explicit language explaining that the parties' rights to further appeals of revised and re-proposed permits and permit amendments are preserved in all relevant respects.

Respectfully submitted this 5<sup>th</sup> day of November, 2007.

GOVERNMENT OF THE DISTRICT OF COLUMBIA



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CERTIFICATE OF SERVICE

I hereby certify that I have sent the original and five copies of the foregoing Response of Petitioner Government of the District of Columbia to EPA Region III's Notice of Withdrawal of Permit Amendment and Motion for Dismissal with Prejudice to the Clerk of the Environmental Appeals Board by Federal Express Priority Overnight at the following address:

Ms. Eurika Durr  
Clerk of the Board  
Environmental Appeals Board (MC 1103B)  
U.S. Environmental Protection Agency  
1341 G Street, NW  
Sixth Floor  
Washington, DC 20005

I also certify that I have mailed a copy of each of the address below:

Lori G. Kier  
Senior Assistant Regional Counsel  
United States Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

David S. Baron, Esquire  
Jennifer Chavez, Esquire  
Earthjustice Legal Defense Fund  
1625 Massachusetts Avenue, NW  
#702  
Washington, DC 20036

Date: Nw. 5, 2007

  
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David E. Evans